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PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA,
DEPARTMENT OF TRANSPORT

No.F.7 (1)-Trans/2018 Agartala, the 13th August, 2018.

NOTIFICATION

Please find enclosed herewith the Notification of the ***'Tripura On Demand Transportation Technologies Aggregators Rules, 2018 (TODTTA)'***, dated 13th August, 2018.

This is for your kind information and necessary action.

Encl:-As stated.

13.8.18
(R.R.Das)
Under Secretary
Government of Tripura

GOVERNMENT OF TRIPURA,
DEPARTMENT OF TRANSPORT

No.F.7 (1)-Trans/2018

Dated, Agartala, the 13th August 2018.

NOTIFICATION

The following Rules namely '**Tripura On Demand Transportation Technologies Aggregators Rules, 2018**', which the State Government proposes to issue in exercise of the powers conferred under section 95 and 96 of the Motor Vehicles Act, 1988 (Central Act No.59 of 1988), is hereby published, as under :-

RULES

1. **Title, Extent and commencement** – (1) These Rules may be called the **Tripura On Demand Transportation Technologies Aggregators (hereinafter termed as 'TODTTA')** Rules, 2018.

i. It shall be applicable to Aggregators' operating in the state of Tripura.

ii. They shall come into force from the date of their publication in the official Gazette.

The **Tripura On Demand Transportation Technologies Aggregators (hereinafter termed as `TODTTA'** must be a digital intermediary / marketplace that canvasses or solicits for a passenger to connect with a driver having the requisite qualifications and operating an appropriately licensed vehicle under the laws of India and must be compliant with all applicable Rules /Regulations prescribed under the Motor Vehicles Act, 1988. and the relevant provisions of Information Technology Act, 2000, including the intermediary guidelines and the Rules made there under.

The TODTTA must not own or lease any vehicle, employ any driver or represent itself as a taxi service, unless also registered as a taxi operator under the applicable law(s).

The TODTTA shall be considered a transportation service provider if it applies its own brands to the means of transport it seeks to make available on its platform.

2. **Requirement of License** - No company shall act as an TODTTA within the State of Tripura unless such a company has obtained an Agent's license from the Transport Department of the State Government or any of its instrumentalities appointed as Licensing Authority for the purpose.

3. **Licensing Authority** - For issuance of license to any TODTTA operating in the State, the State Government in the Transport Department or any of its instrumentalities appointed for the purpose shall be the Licensing Authority.

4. Application for grant or renewal of license - Application for license under this set of directives shall be made in writing to the Licensing Authority appointed by the State Government in the Transport Department in such Form as may be specified for the purpose and shall be accompanied by the following:

i. Documents satisfying that the applicant company is registered under the Companies Act,.1956 or a partnership firm registered under the Indian Partnership Act, 1932 or Co-operative Society Act'1860 and under the relevant provisions of the I T Act, 2000.

ii. Proof of address of the organization within the State for registered service of process along with Trade license and details of the Office-in-charge of the organization located in the State.

iii. Have a physical presence /premise in the state of TRIPURA. They should have a functional grievance redressal system which should be duly publicised.

iv. Minimum 100 consent letters from the permit holders of public service vehicles. (The owner of any public service vehicle can give consent to an TODTTA for service.)

v. A duty sworn -in / notarized affidavit along with an undertaking to the effect that the terms and conditions of the license issued will be fully complied.

vi. Sufficient proof of the availability of skilled manpower and infrastructure facilities required for operation of an on -Demand Transport Technology platform including a 24x7 Call Centre on the ground fully equipped with professionally competent IT-educated staff accessible by communication facility like Telephone, E-mail, etc.

vii. Fee at the prescribed rate to be specified by the State Government.

5. Operational details in respect of TODTTA

(a) The Licensee must -

(i) Provide an address within the area of operation in the jurisdiction of the Transport Department of the State Government for registered service of process along with details of the Office-in-Charge.

(ii) Maintain accurate and up-to-date records of all the drivers and driver-vehicles from the State using the Licensees On-Demand Transportation Technology platform and to make them available on demand to such Authority (ies) of the State Government in the Transport Department or any of its instrumentalities as may be required.

(iii) Ensure that its web or mobile application is fully compliant with the Permit conditions of the vehicle being operated by the drivers using the Licensees On-Demand Transportation platform provided that only Licensees and/or his/her duly authorized entities who are deemed to be Transport Service Providers under this set of directives shall be required to comply with this clause.

(iv) In case any TODTTA operates in any form/format/design whatsoever, without the license being granted by the State Government or any of its instrumentalities so authorized for the purpose, it will attract such penal action as may be specified in accordance with the relevant law of the land.

(b) **In order to promote passenger safety -**

The Licensee must-

i. Ensure that the On-Demand Technology Transportation Aggregator's web or mobile application that connects drivers to and with the riders displays for the rider a clear and visible picture of the driver and a picture or description (including license plate number) of the vehicle and such other details as may be necessary so as to enable the rider to verify that the driver of the vehicle is actually the person whose details the rider has received via the on demand technology transportation aggregator.

ii. Have the ability to track centrally the real-time GPS location of the vehicles that make themselves available for duty on the Licensees' on-demand transportation technology platform provided that the Licensees must also ensure that their web or mobile application can track and is interoperable with the physical GPS device fitted to the vehicle.

iii. Develop and include a feature in the mobile application that provides riders the ability to share their location with minimum five (5) persons/ bodies/ entities/ organizations within their safety network.

iv. Develop and include a feature in the mobile application that gives riders the ability to contact the local Police in case of an emergency/any unforeseen situation endangering human life.

v. Develop and include a feather of installing panic/ emergency button inside the vehicle within the reach of the passengers.

vi. Enable the driver and the GPS device fitted to the vehicle to be connected to the data network of On-Demand Technology Transportation Aggregators platform whenever the driver or the vehicle is available on a Licensee's On-Demand Transportation Technology platform including from when a trip is booked to when a trip ends provided that the Licensees must ensure that their web or mobile application is interoperable with the physical GPS device fitted to the vehicle.

(iii) Ensure that its web or mobile application is fully compliant with the Permit conditions of the vehicle being operated by the drivers using the Licensees On-Demand Transportation platform provided that only Licensees and/or his/her duly authorized entities who are deemed to be Transport Service Providers under this set of directives shall be required to comply with this clause.

(iv) In case any TODTTA operates in any form/format/design whatsoever, without the license being granted by the State Government or any of its instrumentalities so authorized for the purpose, it will attract such penal action as may be specified in accordance with the relevant law of the land.

(b) **In order to promote passenger safety -**

The Licensee must-

i. Ensure that the On-Demand Technology Transportation Aggregator's web or mobile application that connects drivers to and with the riders displays for the rider a clear and visible picture of the driver and a picture or description (including license plate number) of the vehicle and such other details as may be necessary so as to enable the rider to verify that the driver of the vehicle is actually the person whose details the rider has received via the on demand technology transportation aggregator.

ii. Have the ability to track centrally the real-time GPS location of the vehicles that make themselves available for duty on the Licensees' on-demand transportation technology platform provided that the Licensees must also ensure that their web or mobile application can track and is interoperable with the physical GPS device fitted to the vehicle.

iii. Develop and include a feature in the mobile application that provides riders the ability to share their location with minimum five (5) persons/ bodies/ entities/ organizations within their safety network.

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vi. Enable the driver and the GPS device fitted to the vehicle to be connected to the data network of On-Demand Technology Transportation Aggregators platform whenever the driver or the vehicle is available on a Licensee's On-Demand Transportation Technology platform including from when a trip is booked to when a trip ends provided that the Licensees must ensure that their web or mobile application is interoperable with the physical GPS device fitted to the vehicle.

vii. The vehicle may be fitted with CCTV device, and such device shall be so activated and connected to the Central Control Room (CCR) of the Licensee as to enable it to keep track of the real time happenings inside the vehicle with particular focus on the movement /conduct of the driver of the vehicle on the move carrying passenger(s). The Licensee shall keep back- up of the CCTV footage of every vehicle operated on its platform and shall be required to share any part of or the whole of such CCTV footage with the State Government and/or any of its authorized instrumentalities as and when required or asked for.

viii. Verify the antecedents of each driver wishing to use the On-Demand Transportation Technology platform through the Police or through any specialized Agency authorized by the State Government in the Transport Department unless otherwise decided.

ix. Verify vehicle information registered on the On-Demand Transportation Technology platform with the information available with the Ministry of Road Transport and Highways, Government of India and/or the Transport Department of the State Government at regular intervals including the vehicle driver mapping during the hours of actual operation.

x. In case of CNG vehicles only (hatchback, sedan, SUV etc) provision for fitting appropriate luggage carrier on the roof top of the vehicle will be allowed.

c. **Obtain the following up-to-date records relating to the driver :**

i. A recent coloured photograph of the driver;
ii. the driver's driving license;
iii. the driver's vehicle license plate number;
iv. current home address of the driver;
v. Permanent address of the driver ;
vi. RBI KYC Bank account details of the driver;
vii. Driver's contact information;
viii. Self attested AADHAAR and PAN card of the driver;
ix. Documents related to Proof of Address of the driver,
x. Contact details and address of two family members, and in case no family member of the driver is there, contact details of two neighbors of the driver.

d. **Obtain the following up-to-date records relating to the driver's vehicle:-**

i. Certificate of Registration as prescribed under the applicable laws of India;
ii. Certificate of Fitness as prescribed and issued under the applicable laws of India;

iii. Permit or any other document as prescribed and issued under the applicable laws of India, including, but not limited to, an All India Tourist Permit or a State Tourist Permit , as the case may be;

iv. Chassis or engine number; and

v. Insurance policy covering for third party risks as prescribed from time to time under the applicable laws of India.

vi. Have the ability to track the real-time GPS location of the vehicles that make themselves available for duty on the Licensees' On-Demand Transportation Technology platform provided that the Licenses must also ensure that their web or mobile application can track and is interoperable with the physical GPS device fitted to the vehicle.

e. **Policy of zero tolerance for discrimination or discriminatory conduct:-**

I. Licensee must establish a policy of zero tolerance for discrimination or discriminatory conduct

II. While a driver is logged into the On-Demand mobile application and submit the policy at the time of application for license. Discriminatory conduct, among others, may include: refusal of service; using derogatory abusive/uncouth or harassing language directed at the passenger or his/her companion(s); or rating a passenger on the basis of sex, race, caste, creed, religion, or nationality.

III. The Licensee shall, upon receiving a written complaint from a passenger submitted through regular mail or electronic means or otherwise containing an allegation that the driver using the On-Demand Transportation Technology platform violated the zero tolerance policy for discrimination, immediately suspend the driver for the duration of the investigation by the Licensee and report the fact immediately to the Licensing Authority or any of the instrumentalities of the State Government as may be specified followed by action taken thereon.

IV. A driver shall not refuse to provide service to an individual with a disability solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or in any way inconvenience the driver or another person.

However, it shall not constitute discrimination under this paragraph for a driver to" refuse to provide service to an individual who by his demonstrative behavior appears to be violent, seriously disruptive, or uncouth and proves, apparently, threat to public peace.

V. The Licensee must implement a zero tolerance policy on the use of drugs or alcohol applicable to any driver, provide Notice of the zero tolerance policy on its website, as well as the procedures to report a complaint about a driver with whom the passenger was matched and for whom the passenger reasonably suspects, that he was under the influence of drugs or alcohol during the course of the ride, and immediately deactivate the said driver's access to the platform upon receipt of a passenger complaint alleging a

violation of the zero tolerance policy. The suspension shall last during the duration of the investigation by the Licensee and report the fact immediately to the Licensing Authority or any of the instrumentalities of the State Government as may be specified followed by action taken thereon.

6. Duties and responsibilities of the permit-holder(s) and driver(s) operating under the licensed TODTTA

I. Every owner of public service vehicle to be plied for hire under any TODTTA will intimate to the Licensing Authority the name and address of the company appointed in his/her behalf as TODTTA, who has been engaged for soliciting and canvassing for hiring of his/her vehicle as an agent.

II. Every owner of public service vehicle will submit the authenticated copies of registration certificate and permit of his/her vehicle for which he/she has given consent to TODTTA to the Licensing Authority.

III. Certificate of fitness, tax-token, insurance of the vehicle and other documents are to be revalidated by the owner in due time.

IV. No driver of any public service vehicle shall register himself/herself with an TODTTA unless the permit-holder of such vehicle gives his/her consent to that particular TODTTA as registered under the relevant clause under this set of directives.

V. No driver should register himself/herself with multiple aggregators i.e., a driver can sign up with one aggregator at one time.

7. Issue of License

After scrutiny of a request for a License for an On-Demand Technology Transportation Aggregator, a License shall be issued in favour of the applicant by the Licensing Authority after satisfying itself of the following:-

i. Documents required for the purpose of issuing license are furnished by the applicant and they are found in order.
ii. The applicant submits a sworn-in / notarized Affidavit and undertakes to comply with all the specified terms and conditions;
iii. The applicant does not hold any license issued under this set of guidelines, and a duly sworn-in / notarized declaration to that effect has to be submitted.
iv. The license will be issued in such Form as may be specified.
v. The license issued shall be initially valid for a period of 2 (two) years from the date of issue unless otherwise invalidated provided that the License is renewable for such period as may be specified subject to satisfactory report on its performance by an independent Auditor as well as contribution to the society in terms of CSR.
vi. The license shall be effective in the State of Tripura only.

8. Terms and Conditions of license:-

i) The Licensee must not shift the principal place of business in the State as mentioned in the License without taking prior permission from the Licensing Authority in writing.

ii) The licensee shall inform the Licensing Authority in case there is any change in the control or ownership of the Licensee or its area of operations /activities, wholly or partly, in any form.

iii) Every vehicle that is operated for a journey booked via an aggregator platform should:
Be appropriately registered and licensed under the applicable laws of India.
Hold a valid and up-to-date Fitness Certificate issued under the applicable laws of India.
Hold Insurance policy covering for third party risks as specified from time to time under the applicable laws of India.
Have a valid permit issued from the authority concerned for such operations Tax of the vehicle is to be paid on time.

iv) The vehicle must be equipped with a physical GPS tracking device fitted by the owner of the vehicle and such GPS equipment must be interoperable between different Licensees if the vehicle is available on more than one On-Demand Transportation Technology platform. The State Government in the Transport Department or any of its instrumentalities authorized in this behalf in consultation with the institution / organization having expertise in the field shall lay down the standards for such GPS devices to ensure interoperability.

v) The vehicle must be equipped with the facility of a physical emergency button in a conspicuous position and in a place having immediate access to the hirer and such equipment must be interoperable between different Licensees if the vehicle is available on more than one On-Demand Transportation Technology platform. The State Government in the Transport Department or any of its instrumentalities authorized in this behalf shall lay down the standards for such emergency devices in consultation with the Organization/Agency institution having expertise in the field in order to ensure interoperability. The exterior of the vehicle must be fitted with Retro Reflective Tape as per BIS norms.

vi) Each owner shall register with the agent submitting the details of his/ her vehicle.

vii) The owner may be permitted to exclude or include any driver with due intimation to the agent subject to the conditions laid down herein and any of the conditions as may be specified.

viii) Any driver who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time for any cognizable offence within the meaning of any Indian law including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property damage, and/or theft, acts of violence, or acts of terror or acts of creating public disorder shall not be eligible for enrolment with the TODTTA.

ix) The driver, details of whom submitted by the owner, will be accepted by the agent only after due verification of the records from the appropriate authority and such driver only will be permitted to use the device issued by the agent to the owner. Drivers using the On-Demand Transportation Technology platform must be permitted to login and log-off the on-demand technology platform at their discretion and must not be prevented from registering themselves or the vehicles they operate on multiple on-demand transportation technology platforms.

Any driver who wishes to register with an On-Demand Transportation Technology platform must hold a Reserve Bank of India ("RBI") KYC compliant Bank account.

The driver must be of decent character with amiable disposition having the ability to converse properly besides being conversant with the technology in use.

Driver when using a Licensee's on-demand transportation technology platform must not solicit or accept street hails except under an emergency situation where a human life is in peril/ distress.

The On-Demand Transportation Technology platform must provide a feature to convey to the rider the consideration to be paid by a passenger/rider for the trip undertaken and upon completion of a trip, shall transmit or cause to be transmitted an electronic receipt to the passenger's email address or mobile phone or mobile application or in hard copy documenting the origination and destination of the trip and a description of the total amount paid, if any, and the name of the person or entity on whose behalf the receipt is issued.

The rider must be facilitated either via the web or on a mobile app or through a customer service telephone number and an email address to submit their grievances or difficulties faced during travel.

The Licensee shall be permitted to digitally provide for all features mandated physically by any applicable scheme or Rule or permit condition made by the Transport Department, Government of Tripura or any other Department(s) or Organization so authorized for the purpose.

Police helpline number(s) shall invariably be prominently displayed on the back of the front seat of the vehicle.

9. **Application for license / renewal of license**

An application for license / renewal of license is to be made in the specified Forms i.e. Form-1, Form-2 & Form-3 to the Transport Department or to the Organization/ Agency of the State Government authorized for the purpose at least *30 (thirty) days* before the expiry of the license with the following:-

I. The license in original;
II. Specified fee for renewal of license.
III. Late fee, when the application for renewal is not made within due date, at the rate specified by the Government.

The license fee is subject to review after every 1 (one) year as indicated below:-

Fees: The fee in respect of a license shall be as follows:

SL No	Purpose	Amount in Rupees
1.	Grant of License	50,000/-
2.	Renewal of License	25,000/-
3.	Issue of duplicate License	2,500/-
4.	Transfer of license	
	In case of death of individual licensee	5,000/-
	In other case	15,000/-
5	For noting change of address of the licensee or for permission to open new branch office	2,500/-
6	Appeal	2,500/-
7	Late Fee	500/- per day

10. Procedure for renewal of License

(i) On receipt of the application for renewal of the license the performance of the Licensed Aggregator shall be evaluated on the applicable parameters and terms and conditions as specified.

(ii) The Licensing Authority concerned shall keep the complaints received from the consumers against the Licensee and the ability of the Licensee to address such complaints in view at the time of consideration of the application for renewal of the License.

11. Power of the Licensing Authority to decline issue or renewal of license

The Licensing Authority for reasons to be recorded in writing may decline to issue or renew license or may grant license on such conditions as the Licensing Authority may consider fit and proper in public interest to impose.

12. Suspension or cancellation of license

i) If the Licensing Authority, after giving the Licensee a reasonable opportunity of being heard, is satisfied that a Licensee has failed to comply with any of the terms and conditions as detailed herein or under the License, and the same has not been remedied within 30 (thirty) days of receiving written notice of such non-compliance, the Licensing. Authority may suspend the License for such period as it may consider expedient to do or cancel the License.

ii) In the cases of where the Licensees operate in more than one State the Licensing Authority concerned shall inform through the Transport Department of the State to the Ministry of Road Transport and Highways, Government of India, of every suspension or cancellation of License.

iii) Provided that every Licensee whose License has been cancelled shall be permitted to apply for another License with the Licensing Authority after a period of six months from the date of cancellation of License.

On a license being suspended, cancelled, or not renewed, it shall be surrendered forthwith to the Transport Department of the State Government or to the Organization /Agency authorized by the State Government for the purpose.

13. Inspection of agent's/operator's license

An agent/operator shall, on demand by any officer of the State Government in the Transport Department not below the rank of Motor Vehicle Inspector or a Police Officer not below the rank of Sub-inspector or any other officer of the State Government empowered for the purpose, produce his /her agent's license etc. for inspection/verification/scrutiny.

14. Appeal against the order of Licensing Authority:

Any person aggrieved by any order of the Licensing Authority for suspension or cancellation may within thirty days of receipt of the order, make an appeal to the Principal Secretary/ Secretary, Transport Department of the State Government.

Provided that for Licensees that are operating in more than one State in India an appeal against the order of the Principal Secretary, Secretary Transport Department of the State, shall lie with the Ministry of Road Transport and Highways, Government of India.

By Order of the Governor,

(N.R Das)
Under Secretary
Government of Tripura.

FORM 1

[See sub-rule-(4) of Rule 114 of the Tripura Motor Vehicles Rules, 1991]

Form of license for operating as
On Demand Transport Technology Aggregator

Mr/Mrs/Messrs.....is hereby licensed to function as an Aggregator under **the Tripura On Demand Transport Technology Aggregator Rules, 2018 subject to the conditions contained in the rules.**

1. License No:
2. Name of the licensee:
3. Address of the licensee:
4. Address of the office:
5. Date of issue:
6. Valid up to :
7. No. of employees, the licensee is permitted to engage:
8. The licensee shall follow the operational details given in sub-rule-(4) of Rule 114 the Tripura Motor Vehicles Rules 1991.
9. The licensee is allowed to operate within the State as On Demand Transport Technology Aggregator (TODTTA), as defined sub-rule-(4) of Rule 114 the Tripura Motor Vehicles Rules 1991.

The licensee shall also comply with the provisions of Motor Vehicles Act, 1988 Rules made there under and the Information Technology Act, 2000 and the **"Tripura On Demand Transport Technology Aggregator Rules, 2018"**

Competent Authority,
Transport Department,
Government of Tripura

FORM 2

[See sub-rule-(4) of Rule 114 of the Tripura Motor Vehicles Rules, 1991]

Form of application for grant/renewal of Aggregator's license under the Tripura On Demand Transport Technology Aggregator Rules, 2018.

To,
The Licensing Authority
Transport Department Government of Tripura.

I, the undersigned hereby apply for grant/renewal of a License for operation as an Aggregator under the **"Tripura On Demand Transport Technology Aggregator Rules, 2018."**

1. Name of the applicant in full (if a firm / company, details of registration / partners / proprietors to be furnished):
2. Address of the main office:
3. Number of branches & their addresses:
4. Details of office-in-charge of the applicant with contact no.:
5. Telephone No, Web-site address & e-mail ID of the applicant:
6. Details of consent letters offered by the owners of public service vehicles, which are proposed to be operated under the services operated by the applicant (list detailing Vehicle No., Permit No. Name & Address of Permit Holder to be enclosed):
7. Particulars of any permit held under control of the applicant:
8. Proof regarding applicant's character:
9. Proof of solvency / details of bank balance / cash / F.D.R.s etc, held either in his own name or in the name of any partners of the company:
10. Details of GPS/GPRS facility:
11. Number of employees engaged by the applicant or proposed to be engaged for the business:
12. Document (copy may be enclosed) detailing the technology platform *(apps* etc.) to be used for operating as On Demand Transport Technology Aggregator:

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the License granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of The Tripura On-demand Transportation Technology Aggregators Rules, 2018, I accept the same and agree to abide by the said Rules.

Signature of the applicant

Form 3

[See sub-rule-(4) of Rule 114 of the Tripura Motor Vehicles Rules, 1991]

Form of application for Duplicate license for operating under the **"Tripura On Demand Transport Technology Aggregator Rules, 2018."**

To

The Licensing Authority
Transport Department,
Government of Tripura

1. Name of the applicant in full (if a firm / company, details of registration / partners / proprietors to be furnished):

2. Full address of the applicant with contact details:

3. License No :

4. G.D Entry No & Date :

5. Web-site address of the applicant:

6. Particulars of any permit held under control of the applicant:

Signature of the applicant

GOVERNMENT OF TRIPURA,
DEPARTMENT OF TRANSPORT

No.F.7 (1)-Trans/2018/ Agartala, the 13th August, 2018

NOTIFICATION

As per provision of the Rule 3 of the ***'Tripura On Demand Transportation Technologies Aggregators Rules, 2018'***, Assistant Transport Commissioner, Paribahan Bhawan, Astabal, Agartala is hereby appointed as Licensing Authority for the purpose of carrying out provisions of the Rules until further order.

By Order of the Governor,

(N.R. Das)
Under Secretary
Government of Tripura